



AZ POST
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The Arizona Peace Officer Standards and Training Board (AZ POST) is mandated by the legislature to establish and enforce the physical, mental, and moral fitness standards for all peace officers in the state. The Board meets the charge to protect the public by overseeing the integrity of Arizona's law enforcement officers by reviewing cases and taking action against the certification of individuals who violate the AZ POST Rules. The following is a summary of the actions taken by the Arizona Peace Officer Standards and Training Board at its **December 2003 and January 2004**, public meeting. These actions are not precedent setting, in the sense that similar cases will end with the same result, because each case is considered on its individual facts and circumstances. Having said that, the Board publishes this bulletin to provide insight into the Board's position on various types of officer misconduct. As always, the Compliance Specialist for your agency is available to discuss any matter and to assist you with any questions you might have. The "*Editor Notes*" or "Frequently Asked Questions" sections are historical observations and insights for training and discussion purposes only.

CASE NO. 1

MISFEASANCE - ONE YEAR SUSPENSION

Officer A harassed his ex-wife by making numerous hang up telephone calls in violation of an Order of Protection. When questioned about the calls, he was honest in admitting his conduct. The Board found his conduct did constitute misfeasance in office and conduct that tends to diminish public trust in the profession and adopted a consent agreement, which he proposed, that called for a one year suspension from the date he left the agency's employ.

CASE NO. 2

DISHONESTY - REVOKED

Officer B mishandled money which led to a shortfall of \$100.00 from the working cash drawer at a port of entry. He gave false and misleading information to a supervisor when questioned about his handling of the money. He later lied to IA. The Board revoked his certification for committing an offense involving dishonesty and misfeasance in office.

CASE NO. 3

FALSE REPORTING - REVOKED

Officer C did two separate things that got her into trouble. First, she became involved in a traffic dispute that resulted in a yelling and pushing incident. Second, Officer C apparently had some ill feelings toward her neighbor. She called 911 and reported that her neighbor's house was on fire. Numerous pieces of fire equipment and personnel responded. The neighbor also reported that shortly after the fire department arrived, Domino's pizza attempted to deliver two pizzas she had not ordered. The Board revoked her certification for the false report and for conduct that tends to diminish public trust in the law enforcement profession.

CASE NO. 4

FALSIFYING PERSONAL HISTORY INFORMATION - REVOKED

Deputy D filled out a series of applications and POST personal history forms in connection with obtaining peace officer work in which he lied about his prior drug use. He requested a hearing before an independent administrative law judge who found he lied. The ALJ determined that his testimony claiming he did not know what it meant to take a "hit" from a marijuana "joint" or to "snort" two "lines" of cocaine was not credible. The Board revoked his certification for providing false information in connection with obtaining peace officer certification and malfeasance.

CASE NO. 5**INDECENT EXPOSURE/DISHONESTY - REVOKED**

Officer E committed indecent exposure twice, once by jogging with nothing but shoes and socks on the lower half of his body and once by standing naked by the side of a road near his truck. He was also untruthful during an agency internal investigation. The Board revoked his certification for the commission of the offenses and malfeasance.

CASE NO. 6**MOTION FOR REHEARING - DENIED**

The Board considered one motion for rehearing. Officer F's certification was revoked for falsifying his POST personal history statement by denying that he had used marijuana after 1998, when in fact he had used it as recently as March of 2000. He failed to request a hearing, allowed the Board to revoke his certification without participating and then sought to challenge the result claiming he was only mistaken, not dishonest. The Board's rules are clear that in order to deny or disagree with allegations in a Complaint, the officer must request a hearing. The Complaint itself states this requirement clearly and warns that failure to request a hearing within the time limit constitutes a waiver of the right to hearing. The Board adhered to its rule and denied the motion for rehearing or review, upholding the revocation.

The Board adopted consent agreements calling for voluntary relinquishments/denial in two cases where the following conduct was alleged, but not put to proof: An officer solicited an \$8,000.00 gift from an elderly woman he met on duty. An officer made offensive remarks to two DUI suspects and then lied about it to internal affairs after Garrity warnings.

The Board issued mandatory revocations for the conviction of a felony offense in one case: A deputy was convicted of two counts of unlawful sexual conduct with his 16 or 17 year old "celestial wife" and one count of bigamy under Utah law.

The Board voted to close out the following cases without initiating a Complaint for disciplinary action. In some of these cases, the Board directed staff to assure that any hiring agency would comply with the misconduct reporting statute by inquiring of the past agency whether violations of POST rules existed.

- A male officer made unwelcome and inappropriate comments to two females and gave confused and inconsistent answers to an investigator who interviewed him about the statements.
- Three separate cases involved officers who drove their personal vehicles while under the influence of liquor off duty, one after applying to become a peace officer, but before her appointment, two were serving officers.
- An officer engaged in an angry, non-physical confrontation with a citizen who had previously threatened to "kick his ass."
- An officer began a relationship with the mother of a juvenile assault victim. They engaged in kissing and hugging once while he was on duty.